

15 Wednesday, May 25, 2016

17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

1

2 BOARD MEMBERS PRESENT

3 NICK ALBERTI, BOARD MEMBER

4 RUTHANNE MILLER, BOARD MEMBER

5 JAMES SHORT, BOARD MEMBER

6 MIKE SILVERSTEIN, BOARD MEMBER

7

8 OTHER PERSONS PRESENT

9 IRAJ ASKARINAM

10 DENNIS JAMES

11 JULIE SIEWELL

12

13

1 P R O C E E D I N G S

2 FACT FINDING HEARING

3 CHAIRPERSON ANDERSON: The next case on
4 our Fact Finding Hearing calendar is
5 Roxanne/Peyote, license #60338. Would the
6 applicant, the licensee, please appear?

7 MR. ASKARINAM: Good afternoon.

8 CHAIRPERSON ANDERSON: What I'll do, sir,
9 is the hearing is supposed to start at 2:00. In
10 the interim, you can sign your name on there, but
11 we'll be off the record until 2:00, so at 2:00
12 we'll come in and do it.

13 [Off the Record]

14 [On the Record]

15 CHAIRPERSON ANDERSON: All right, it's
16 2:00 and our next scheduled, we have a Fact
17 Finding Hearing for Roxanne/Peyote, license
18 #60338, and this is a request to extend
19 safekeeping. Can you please, sir, identify
20 yourself for the record, please?

21 MR. ASKARINAM: My name is Iraj Askarinam,
22 I'm owner of Ephraim Corporation and this is --

1 it used to be Peyote/Roxanne. It was two
2 businesses originally, we combined it to one and
3 it was about 15 years ago. We had a voluntary
4 agreement with [inaudible 16:23] that if we
5 wanted we could use that one again. I know you
6 don't have a record last time I was over here, I
7 don't know, you said you don't have any record of
8 [inaudible 16:35] only can be as Peyote/Roxanne.
9 In the last 15 years I pay almost \$30,000 fee for
10 D.C. Government given I did not use that, but
11 actually right now I'm trying to get out of
12 business and I do have a customer to sell it and
13 waiting for approve the loan by the bank and we
14 want to leave this one to what they want to do,
15 if they want to keep it as two restaurants, one
16 restaurant, whatever they do, or they wait
17 another year for fee? But after this one works
18 or doesn't work -- if it works we sell it, it's
19 done. If it's not, we going to give it away, we
20 going to cancel the license.

21 CHAIRPERSON ANDERSON: Because since the
22 license has been in safekeeping, September is

1 going to be 10 years.

2 MR. ASKARINAM: It was a long time, yes.

3 CHAIRPERSON ANDERSON: And if we were to,
4 I mean we only extend safekeeping maybe if we
5 were going to do that and it would be between now
6 and September 30th, so if you -- so, what is it,
7 I'm not saying we're going to do that but I'm
8 just saying if we were to extend it that was for
9 the period of time, so what is it that you think
10 will be done between this period and September
11 30th if the Board was to decide to extend the
12 license that's in safekeeping.

13 MR. ASKARINAM: We don't know. What we
14 know, we do have contract to sell it and
15 [inaudible 18:09] bank approval money. IF it go
16 through that's going to be renewal at that time
17 and they make their own decision. If you are
18 owner at that time, I'm coming and I surrender
19 the legal license.

20 CHAIRPERSON ANDERSON: Mr. Alberti, do
21 you have any questions you want to ask?

22 MR. ALBERTI: Yes.

1 CHAIRPERSON ANDERSON: Go ahead, sir.

2 MR. ALBERTI: So, Mr. Askarinam, me,
3 right here.

4 MR. ASKARINAM: Yes, sir.

5 MR. ALBERTI: The guy with the bald head.

6 MR. ASKARINAM: Yes sir, I wouldn't
7 [inaudible 18:42]

8 MR. ALBERTI: That's okay. You were here
9 two years ago, 2014, May 1st 2014 and we had a
10 similar discussion and you can go back and look
11 at the transcript but it was made pretty clear to
12 you that we were expecting within six months for
13 you to have documentation showing that you were
14 going to use the license or had a contract to
15 sell it. We're now two years down the road. Do
16 you have any documents for us to confirm what
17 you're telling us? To confirm --

18 MR. ASKARINAM: We do --

19 MR. ALBERTI: Do you have them with you?

20 MR. ASKARINAM: No, I don't have them.
21 My broker is an attorney, Eric Sale, is putting
22 contract together and we doing it. If you want

1 it right now I give it away. I don't want to
2 just cancel it.

3 MR. ALBERTI: I would love to see it. I
4 would love to see that contract because --

5 MR. ASKARINAM: He going to --

6 MR. ALBERTI: Mr. Askarinam, I would love
7 to see the contract because it's -- we were
8 expecting, we had put you at a deadline of six
9 months --

10 MR. ASKARINAM: I don't --

11 MR. ALBERTI: -- to have some
12 confirmation that you really were actively
13 pursuing and act -- and had actually had a
14 potential buyer. This is now two years down the
15 road.

16 MR. ASKARINAM: I don't remember it was -
17 -

18 MR. ALBERTI: Well, you can look at --

19 MR. ASKARINAM: Sorry, you right, you
20 correct.

21 MR. ALBERTI: You may not remember but
22 you can look at the transcript. It says here,

1 one of the Board members: "So it's just clear
2 what this is showing, what does he have to show
3 in six months?" And the Chair at that time said,
4 "proof that he plans to sell or use the license."
5 You come today two years down the road with no
6 proof, you have nothing with you, I don't
7 understand that.

8 MR. ASKARINAM: You correct.

9 MR. ALBERTI: Mr. Askarinam, I have no
10 further questions, I'm done.

11 MR. ASKARINAM: Okay, you correct, but
12 can I explain, please? You correct, I don't
13 remember it but you correct, I know absolute you
14 correct when you saying it is on the record, but
15 my memory is not good these days, but anyway, we
16 are trying so hard to sell the place, I want to
17 sell everything, I want to be out of it. I
18 cannot do it [inaudible 21:10] and I've been
19 pushing it so hard to do that.

20 MR. ALBERTI: Mr. Askarinam, you give me
21 nothing to trust what you're telling me. Two
22 years ago we got the same promise from you and

1 we're two years down the road and I'm getting the
2 same promise, the same promise, "oh, I have
3 someone who's going to buy it."

4 MR. ASKARINAM: Okay, you want to cancel
5 it, I do it.

6 MR. ALBERTI: Can you bring -- can you
7 produce it by the end of the day?

8 MR. ASKARINAM: Huh?

9 MR. ALBERTI: Can you produce it by the
10 end of the day?

11 MR. ASKARINAM: What?

12 MR. ALBERTI: The contract.

13 MR. ASKARINAM: I have to go to my
14 attorney and get the paper, yes. True.
15 [inaudible 21:52] is my attorney and he has the
16 contract for me -- and I'm not involved, my
17 brother is involved and my daughter involved, but
18 I've not been involved on anything these days.

19 MR. ALBERTI: But they didn't come --
20 they didn't see fit to come help you here?

21 MR. ASKARINAM: No, they just told me to
22 come here and [inaudible 22:12] and I said if you

1 wanted that I give up the license I do it
2 surrender it to you. I do surrender it today.

3 CHAIRPERSON ANDERSON: Well, the Board is
4 not forcing you, sir, to do -- I mean, you had
5 asked us for -- you're asking to extend the
6 safekeeping, so if you --

7 MR. ASKARINAM: I'd love to extend it
8 until September and is going to [inaudible 22:36]
9 otherwise September enough time to do, see
10 whatever it come one way or the other.

11 CHAIRPERSON ANDERSON: No, I'm not, all I
12 said to you is if the Board was to it would be,
13 so I'm not saying the Board is going to extend
14 it, but if you -- you are free to surrender the
15 license at any point, so if you decide that as of
16 today you don't want to do it, you don't want to
17 keep it, then you can surrender it, but I'm not -
18 - the Board is not saying today you need to
19 surrender your license, we're just saying that
20 this license has been in safekeeping for ten
21 years and I was not here two years ago. I think
22 Mr. Alberti has just been reading the transcript

1 based on the assertion that you'd made, so let me
2 ask you a question since I wasn't here. So, what
3 is it that you have done since the last time you
4 were here two years ago in trying to either open
5 the business -- use the license -- or to sell it?
6 Tell me specifically what is it that you've done
7 in the past two years, sir?

8 MR. ASKARINAM: Can I explain something
9 before that, please? I said it already when we
10 got the license it was two businesses, one was
11 the Spaghetti Garden, one was the Frying
12 Corporation. And the only use of that
13 corporation, that license, can be done on Ephraim
14 2319 Champlain Street, not any other places. And
15 that one already using the Spaghetti Garden for
16 it because we combine it. And it cannot be used
17 any other places. And we've been trying to sell
18 that place and if they want it to divide it to
19 two businesses, because of two corporations, two
20 liquor licenses, two alcohol permit, there isn't
21 they can't do that. And we're: Number one
22 wasn't very cooperating with me to sell it, he

1 did not have a lot of things that eventually I'm
2 going to have but he doesn't, and I had a
3 problem, big, big problem, even when I was going
4 to surrender my other liquor license to you,
5 maybe force him to agree with me to get out of
6 business because I cannot do it and he is not
7 cooperating with me. He was going to put other
8 my license in the safe, maybe get permission to
9 do something or to sell it, but I've been
10 [inaudible 25:10] because I'm trying so hard to
11 get out of the business completely.

12 MR. ALBERTI: So, Mr. Askarinam, I'm
13 sorry, I have to interrupt here. We had the same
14 conversation two years ago where I told you that
15 the license does not have to stay at that
16 address.

17 MR. ASKARINAM: Okay. I gave you

18 MR. ALBERTI: And you -- let me finish.
19 You didn't believe me.

20 MR. ASKARINAM: Yes.

21 MR. ALBERTI: You did not believe me. I
22 told you to check with our general counsel

1 because I knew I was right. Did you check with
2 our general counsel?

3 MR. ASKARINAM: No, sir.

4 MR. ALBERTI: So, Mr. Askarinam, you've
5 done nothing. You were under the impression that
6 the license has to stay at that place. I gave
7 you information that you are free to transfer
8 that to someone who can take that license
9 someplace else in the city, you didn't believe
10 me, and I told you to check with our general
11 counsel. That's all you had to do is make a
12 phone call and you haven't done it.

13 MR. ASKARINAM: Yes, you correct. But I
14 said it this way also, if you -- I could sell
15 that license for \$50,000 - \$60,000. With that
16 impression they say we cannot use any places
17 because we had a warranty agreement, but those
18 things, I did not do that. Otherwise, I could
19 benefitted \$50,000 --

20 MR. ALBERTI: No, I told you that was
21 incorrect and I told you and you didn't believe
22 me, I told you to check with our general counsel,

1 and you did not.

2 MR. ASKARINAM: Yes, you're right.

3 You're correct.

4 MR. ALBERTI: You have used that as an
5 excuse to say "oh, I can't do anything with this
6 license," and it's just an excuse. And I'm not
7 even convinced that you believe it at this time.

8 MR. ASKARINAM: Okay, you correct about
9 it, but you told me exactly the way that you said
10 it to me but my impression was that was over the
11 way I said it I knew something about it.

12 MR. ALBERTI: But you didn't check.

13 MR. ASKARINAM: No, sir.

14 MR. SHORT: Mr. Alberti? Mr. Chair?

15 CHAIRPERSON ANDERSON: I'll--

16 MR. ALBERTI: I'm done.

17 CHAIRPERSON ANDERSON: Mr. Short.

18 MR. SHORT: Good afternoon, sir, how are
19 you?

20 MR. ASKARINAM: Yes, fine sir.

21 MR. SHORT: You sound like you're in a
22 pretty tight position.

1 MR. ASKARINAM: Yes, very tight for sure.

2 MR. SHORT: I think that this Board has
3 been fair, maybe even more than fair, to you.

4 MR. ASKARINAM: That's correct.

5 MR. SHORT: With the promises that you
6 made the last time that you were here.

7 MR. ASKARINAM: Yes, correct.

8 MR. SHORT: Let's change places.

9 MR. ASKARINAM: Sure.

10 MR. SHORT: I'm sitting there, you're
11 sitting here, what a decision to make that's in
12 the best interests of the city and the community.
13 What would you do to a person who made promises
14 over two years who has had a license now in
15 safekeeping over 10 years.

16 MR. ASKARINAM: If you want it, I will
17 get the license to you and can get it to you, why
18 don't I give it to you?

19 MR. SHORT: Thank you, that's all I have,
20 Mr. Chair.

21 CHAIRPERSON ANDERSON: Do you have any
22 questions, Mr. Silverstein?

1 MR. ASKARINAM: I surrender it tomorrow
2 morning. I bring it in and I give it to you.

3 MR. SILVERSTEIN: Mr. Askarinam are you
4 running any other businesses or are there any
5 other?

6 MR. ASKARINAM: I'm not running it. I
7 own it but I'm not running it --

8 MR. SILVERSTEIN: Which are --

9 MR. ASKARINAM: I'm not in good health to
10 do that. I say I --

11 MR. SILVERSTEIN: What are the other
12 businesses?

13 MR. ASKARINAM: I have a Johnny Pistola,
14 I have a manager running it and my daughter
15 helping them to do it, and I said it is
16 everything, I'm trying --

17 MR. SILVERSTEIN: I'm sorry, I can't hear
18 you.

19 MR. ASKARINAM: I said it Johnny Pistola,
20 they call it Corporation. And that one is for
21 sale too. And I've been trying so hard, I said
22 it I really swear to God I've been trying so hard

1 to get out of it because I'm really very bad
2 health and I really cannot do it.

3 MR. SILVERSTEIN: Very well. Thank you.

4 CHAIRPERSON ANDERSON: Did you have any
5 questions, Ms. Miller?

6 MS. MILLER: I do. Just a couple. I
7 just want to follow up and make sure I understand
8 where you're at. You made reference to a
9 contract. Do you have a contract to sell this
10 place?

11 MR. ASKARINAM: Yes, we do have an offer
12 and my attorneys, the guy that brought me, is
13 Eric Seiwel, we asked him to show us the
14 approval that they can get the money from the
15 bank and we are waiting for that one to be done.

16 MS. MILLER: Okay.

17 MR. ASKARINAM: And we sold it, they
18 asked us to sell the Spaghetti Garden Johnny --
19 and Peyote/Roxanne together.

20 MS. MILLER: Okay.

21 MR. ASKARINAM: That's to be linked in
22 one business in fact can be two businesses.

1 MS. MILLER: Right, so you feel so then
2 you're close to consummating this deal?

3 MR. ASKARINAM: I'm hoping, I've prayed
4 to be finished, I am praying that they can get
5 the money and I can do that job.

6 MS. MILLER: So, if you were granted an
7 extension on safekeeping until September do you
8 think that this will all be done by then?

9 MR. ASKARINAM: That would be great, that
10 would be great.

11 MS. MILLER: Okay, I just wanted to
12 clarify.

13 MR. SILVERSTEIN: Wait, would you answer
14 -- I don't think saying "that would be great" I
15 don't think answers the question.

16 MS. MILLER: Okay, let me repeat it --

17 MR. ASKARINAM: I will do that, yes. I
18 do that. If it's not done by September I
19 surrender the liquor license to you. I bring it
20 back to you.

21 MS. MILLER: I'm sorry, what's not --

22 MR. ASKARINAM: If it doesn't go, if it

1 doesn't do, I'm giving away that license.

2 MS. MILLER: Oh, I see, okay. So, you do
3 see it -- this being resolved by September.

4 MR. ASKARINAM: Yes.

5 MS. MILLER: If we grant you the
6 extension.

7 MR. ASKARINAM: Yes, Miss.

8 MS. MILLER: Okay, thank you.

9 MR. ASKARINAM: You're welcome.

10 CHAIRPERSON ANDERSON: Any other
11 questions by any other Board members? I see some
12 audience members. Are you parties or not parties
13 -- interested parties in this matter? Can you --
14 I know who you are, sir, I know you're the
15 interpreter sitting in the back for another case.
16 I'm sorry, so can you identify yourself. There's
17 a sign-in sheet.

18 MR. ASKARINAM: We had a contract with
19 you about if not --

20 CHAIRPERSON ANDERSON: Hold on one
21 minute, sir.

22 MR. ASKARINAM: The ?? remember, we had a

1 contract so I said it.

2 CHAIRPERSON ANDERSON: I don't know who
3 the gentleman is so I don't know what's going on,
4 so can you identify yourself for the record?
5 There's a sign-in paper. There's a paper, just
6 sign in and identify yourself for the record.

7 MR. JAMES: Yeah, I'm Dennis James,
8 president of ?? Citizens' Association.

9 MS. SEIWELL: Hi, I'm Julie Seiwell with
10 ANC 1C.

11 MR. SILVERSTEIN: Can you speak up?

12 MS. SEIWELL: I'm sorry, yeah, I'm Julie
13 Seiwell with Advisory Neighborhood Commission 1C.

14 CHAIRPERSON ANDERSON: And what
15 affiliation, if any, do you guys have regarding
16 this establishment and what is it that you have
17 to add?

18 MR. JAMES: Well, we have a settlement
19 agreement dating back to 2004 just about the
20 safekeeping of this license and I'm imagining the
21 Board, I didn't hear the very beginning of the
22 hearing, but I'm imagining that the Board is

1 aware of it and I don't want to argue what can be
2 done with it in reference to what Mr. Alberti --

3 CHAIRPERSON ANDERSON: Well, let me ask
4 you this. What's been asked is that the Board
5 has been asked to extend safekeeping. I know
6 that also, you know, parties, but since you're a
7 member of the public who took some time to come
8 here, so that's one of the reasons that I'm just
9 trying to figure out what is it that you want to
10 add to --

11 MR. JAMES: We are actually party to --

12 CHAIRPERSON ANDERSON: Well, not to a
13 Fact Finding Hearing so I didn't have to call, I
14 didn't have to call you, but as a courtesy
15 because you're here, I'm just saying I'm hearing
16 from you, but you're not a party to a Fact
17 Finding Hearing . I mean, it's just --

18 MR. JAMES: For non-contested cases.
19 Well, just, here's my point of view and back in
20 2004 the owners wished to turn two establishments
21 into one -- the premises into one, and because
22 there was a moratorium on restaurant licenses at

1 that time they didn't want to give up the license
2 then because the safekeeping rule said that a
3 license put in safekeeping during a moratorium
4 can stay in safekeeping until the end of that
5 moratorium as long as it continues. You know,
6 they wanted to maintain the license, and we
7 didn't particularly want it to be sent out into
8 the rest of Adams Morgan, you know, used
9 somewhere else because the whole idea of the
10 moratorium was that we have too many licenses,
11 that the granting of the moratorium. At that
12 time, the Board agreed, you know, we did have a
13 moratorium on restaurant licenses. So, my point
14 in coming today is there's no longer a moratorium
15 on restaurant licenses within the Adams Morgan
16 moratorium zone and whatever the conditions are
17 that Mr. Askarinam is negotiating with someone
18 else, he can get a brand new license without any
19 conditions attached to it by simply applying, and
20 this license -- I don't recall if there's an
21 agreement to it, but I believe there is an old,
22 old agreement apart from this safekeeping

1 agreement that we had. So, I don't think that
2 it's conditional. I don't imagine that it would
3 be conditional for a buyer to say, "Oh, yeah, I
4 want that old license with probable conditions
5 attached to it as opposed to getting a new one."
6 I don't see, and you would be saving a lot of
7 money on fees for 12 years of safekeeping. I
8 mean, that's in the past now, but in case it
9 doesn't go through, the sale does not go through,
10 and this is not at all trying to get in the way
11 of Mr. Askarinam's business dealings, it's more
12 about, you know, we want restaurants, we want
13 restaurant licenses to act as restaurants and
14 there's an extra one there. This is a premise
15 that has been combined for 12 years, and seems to
16 keep going.

17 MR. ASKARINAM: Do you agree with me we
18 had a contract which you [inaudible 35:14] for
19 Ephraim Corporation, do you remember that one?

20 MR. JAMES: Can he speak directly to me?
21 I mean --

22 MR. ASKARINAM: Yes, I --

1 CHAIRPERSON ANDERSON: Sir, I have no
2 idea what's going on -- I'm sorry.

3 MR. JAMES: The settlement agreement that
4 we have on this license, I don't know if the
5 Board has seen it. It says that it can only be
6 used to re-divide the premise into two, so right
7 now they're using the Spaghetti Garden license
8 for two addresses: 2317 and 2319. If they want
9 to re-divide them for some reason, they can have
10 this license if the Board saw fit to let it come
11 out of safekeeping.

12 MR. ALBERTI: So, may I ask a question?

13 CHAIRPERSON ANDERSON: Sure, go ahead.

14 MR. ALBERTI: So, Mr. James, what was the
15 purpose of that condition? What I'm
16 understanding that settlement agreement which I'm
17 not -- quite honestly I'm not sure is enforceable
18 by this agency -- but let's assume that it is.
19 What was the purpose of it? I mean, what was the
20 purpose? What I understand is that, what you're
21 saying, is that you had two licenses there, they
22 combined, and the only thing you would allow was

1 it to split into two licenses again, right? So,
2 what was the purpose of that?

3 MR. JAMES: The purpose was to reach a
4 settlement agreement on both Spaghetti Garden and
5 Roxanne at the same time. The main thing was
6 Spaghetti Garden, it was a renewal year and --

7 MR. ALBERTI: But what was the purpose of
8 that condition, though?

9 MR. JAMES: It was what got the deal
10 done. They didn't want to lose the license, they
11 wanted to expand the Spaghetti Garden premise.
12 So, as part of the deal to agreeing to the
13 conditions the Spaghetti Garden settlement
14 agreement they said, "well, we don't want to lose
15 this license, what can we do about that?" So --

16 MR. ALBERTI: And you said "you gotta
17 keep it here."

18 MR. JAMES: Well, we thought that was
19 fair -- fair to them.

20 MR. ALBERTI: What was the purpose of
21 keeping it there?

22 MR. JAMES: Well, it was a license that

1 existed.

2 MR. ALBERTI: But why -- what I'm hearing
3 is that you think this agreement says that second
4 license had to stay at that address.

5 MR. JAMES: If it came out of
6 safekeeping.

7 MR. ALBERTI: So, what was the purpose?
8 I mean you've got this condition, I want to know
9 what the purpose?

10 MR. JAMES: Well, the purpose was to not
11 be unfair to the business, to get a settlement
12 agreement which we thought was beneficial to the
13 community.

14 MR. ALBERTI: So it had no other purpose?

15 MR. JAMES: Correct.

16 MR. ALBERTI: Absolutely no other
17 purpose?

18 MR. JAMES: Not for the ?? Civic
19 Citizen's Association, they also signed.

20 MR. ALBERTI: So if we took that license
21 and put it someplace else -- three years ago if
22 we took that license and put it someplace else in

1 Adams Ward you wouldn't have cared? We said, we
2 can't enforce that.

3 MR. JAMES: I'd have to look at the --
4 when you say three years is that a meaningful?

5 MR. ALBERTI: Well, before the moratorium
6 was lifted.

7 MR. JAMES: Okay. Then I would object to
8 it going anywhere else.

9 MR. ALBERTI: Why?

10 MR. JAMES: Because it would be a further
11 -- it could very well lead to another premise
12 that was not an ABC establishment becoming one.

13 MR. ALBERTI: Okay, so was that the
14 purpose of that? Was that the purpose was that
15 you didn't want it to go somewhere else in Adams
16 Morgan?

17 MR. JAMES: Clearly.

18 MR. ALBERTI: That's not what you just
19 told me but it's clear to me now, it's clear to
20 me now, Mr. James. It's clear to me now, fine.
21 Would you have cared if it went to K Street? If
22 someone bought that license and went to K Street?

1 MR. JAMES: But I don't believe that's
2 inhibited by the moratorium.

3 MR. ALBERTI: Not the moratorium. The
4 condition in your settlement agreement. Would
5 you have cared if that license went someplace on
6 K Street?

7 MR. JAMES: Knowing that K Street doesn't
8 have a moratorium, no I wouldn't.

9 MR. ALBERTI: All right, thank you,
10 that's all I want to know. That clarifies things
11 for me. So, I'm just trying to understand the
12 kind of -- the real meaning of that -- of that
13 condition that you put because Mr. Askarinam is
14 relying on that condition. He's relying on that
15 condition to tell us he's got to keep his license
16 there, and I'm trying to understand the weight of
17 that and whether it makes sense from any angle,
18 legal, logical, from any, from any angle.

19 MR. JAMES: Can I just make an
20 observation? At the time, there was a moratorium
21 which the ANC was behind, the KCA and the ??
22 Beverage association and the Board that approved

1 it and it was clearly viewed at that time to be
2 in the best interest of the neighborhood.

3 MR. ALBERTI: Mr. James, I get it.

4 MR. JAMES: Okay.

5 MR. ALBERTI: Before you even told me
6 that you didn't want that license to go someplace
7 else in Adams Morgan, I knew that, but I don't
8 understand why you couldn't tell me that up
9 front. You skirted all the way around that issue
10 and never told me the reason was you didn't want
11 that license to be established someplace else, at
12 some other address in Adams Morgan. That was the
13 real reason for that condition.

14 MR. JAMES: It was one of the reasons. I
15 helped achieve the deal for a settlement
16 agreement --

17 MR. ALBERTI: Right.

18 MR. JAMES: -- and that gave them the
19 option --

20 MR. ALBERTI: Of keeping it, right.

21 MR. JAMES: -- some that they might want
22 to do.

1 MR. ALBERTI: I got it. All right.

2 CHAIRPERSON ANDERSON: So, because I'm in
3 the -- I'm lost, so now the moratorium it has
4 been lifted, so what can he do with that license,
5 at least from your perspective?

6 MR. JAMES: Well, again, I did say this
7 already, I don't think it should be very
8 important to them because they can get a brand
9 new license if he wants to sell the property and
10 all that it entails, somebody who wants to put a
11 restaurant there, they can get a new ABC
12 restaurant license. There's still a moratorium,
13 they can't get a nightclub or a tavern.

14 CHAIRPERSON ANDERSON: But does he -- do
15 you think he knows that? I'm asking you from
16 your perspective.

17 MR. JAMES: I suspect he's probably is
18 pretty familiar with that.

19 MR. ASKARINAM: The reason is if you have
20 a liquor license and you want to sell that
21 automatically release it and they can reopen it.
22 If you apply it take months and months and

1 especially like you people, ANC, and you come
2 protest it and make your life miserable and it
3 take a year to come.

4 MR. ALBERTI: So, alternatively, Mr.
5 Askarinam could sell that license and someone
6 could locate it someplace else in Adams Morgan
7 today. Is that correct?

8 MR. JAMES: I don't think so.

9 MR. ALBERTI: Why not?

10 MR. JAMES: Because there's a Board order
11 that says it approves the statement in the
12 agreement. "The Roxanne license shall be
13 surrendered to the Board for safekeeping in
14 accordance with the following -- "

15 MR. ALBERTI: Well, I will look into the
16 legality of whether that's really an enforceable
17 settlement agreement and we can debate that, Mr.
18 James, but I don't want to debate that right now,
19 thank you.

20 CHAIRPERSON ANDERSON: Okay, does the ANC
21 wish to state or does Mr. James speak for the ANC
22 also?

1 MS. SEIWELL: I don't have anything else.

2 CHAIRPERSON ANDERSON: Well, all right.

3 No, you were here, that's why I'm asking that.

4 MS. SEIWELL: Yeah, no thank you, thank
5 you.

6 CHAIRPERSON ANDERSON: All right. Do you
7 have anything else to say, sir?

8 MR. ASKARIRNAM: I don't have anything to
9 say, I said it. I will do whatever you gentleman
10 tell me to do, I'm just asking that in September
11 to, if I can, have it sell and finish that place,
12 otherwise I surrender it, fine.

13 CHAIRPERSON ANDERSON: All right.

14 MR. ASKARINAM: I said it before, I was
15 correct, I said there was something I could not
16 sell it, I could not get rid of it. I'm telling
17 you people I was correct, and I knew it I could
18 not sell it with this condition legally or not
19 legally, I don't know, but I said I had the
20 agreement.

21 CHAIRPERSON ANDERSON: Well, one of the
22 reasons to have a Fact Finding is to gather facts

1 and this Fact Finding Hearing was actually very
2 helpful because it provided us a lot of
3 information I don't think the Board was
4 necessarily familiar with before. At least, I'm
5 new and I think that -- I think even Mr. -- and I
6 don't say I can ever speak for Mr. Alberti, but I
7 get the impression that Mr. Alberti was also
8 surprised at what he had heard today based on our
9 -- or somewhat. But anyway -- somewhat. But if
10 you don't have anything else to say -- do you
11 have anything, any final thoughts?

12 MR. ASKARINAM: I want to say thank you
13 very much.

14 CHAIRPERSON ANDERSON: Any final thoughts
15 by the ANC or you, Mr. James?

16 MR. JAMES: No.

17 CHAIRPERSON ANDERSON: All right.

18 MR. JAMES: Well, my final thought would
19 be I think the Board has great digression but I
20 think the length of time this has been in
21 safekeeping it seems by far any discretion the
22 Board may have to keep a license in safekeeping

1 for such a long period.

2 MR. ALBERTI: Mr. James, I'm sorry, but I
3 just can't hold my tongue here, but it seems like
4 at every turn you say -- at every turn you are
5 suggesting actions that are detrimental to this
6 person's business plan. First of all, you say
7 "oh, you know, I've got this agreement that says
8 you can only use that license at this location
9 and forever forward, even after the lifting of
10 the moratorium, you can't use this anyplace
11 except that location, and now you're telling us
12 to cancel his license. You know -- I'm just
13 astounded. There's nothing -- I'm just -- I'll
14 just point that out.

15 CHAIRPERSON ANDERSON: Thank you, Mr.
16 Alberti. Thank you, sir, for spending the time
17 to come down here to address your concerns and I
18 would like to thank the ANC and the ?? Citizens'
19 Association, Mr. James, for taking the time to
20 come down here today and the Board will take this
21 matter under advisement, all right? Thank you
22 very much.

1 MR. ASKARINAM: Thank you. I'm done?

2 CHAIRPERSON ANDERSON: Yes, you're free
3 to go, sir.

4 MR. ASKARINAM: Thank you, I appreciate
5 that.

6 CHAIRPERSON ANDERSON: And we'll let you
7 know -- the Board will let you know what decision
8 we'll make.

9

10 (Whereupon, the above-entitled matter was
11 concluded.)